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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 95-059

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

Section Chir 6.015 is incorrectly numbered. In SECTION 1, current s. Chir 6.015 should be renumbered to s. Chir 6.015 (2). SECTION 2 of the rule then should create s. Chir 6.015 (intro.) and (1) to read:

Chir 6.015 In this section:

(1) “Advertisement” means....

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Section Chir 6.02 (15) (a), (d) and (i) do not directly link the proscribed conduct to whether the advertisement is false, deceptive or misleading. Compare pars. (b), (c), (e) and (h).

b. In s. Chir 6.02 (15) (d), the use of “specific” is redundant.

c. In s. Chir 6.02 (15) (f) 2., the word “the” should be inserted before the word “international” in order to be consistent with the language used in subd. 3.

d. Does s. Chir 6.02 (15) (g) apply only to claims regarding the experience of the specific chiropractor or does it also include claims, for example, about the success or efficacy of a procedure based on the experience of a larger group of chiropractors? If the latter, does it make

sense to require that the chiropractor actually maintain the documentation supporting the claim? For example, if a professional chiropractic organization has documentary evidence regarding the success of a procedure based on an experiment conducted, or statistics compiled, by the organization, does it make sense to require the individual chiropractor to maintain supporting documentation if the individual chiropractor cites the results in an advertisement? Also, it appears that the phrase “employees or” should be inserted before the word “agents.”

e. The purported purpose of the rule is to give specific descriptions of advertising practices which are false, deceptive and misleading. While the rule is indeed more specific than the current rule, consideration should be given to giving specific examples of the types of advertising that fall within the various elements of false, deceptive or misleading advertising. This could be done through notes to the rule or through a separate publication prepared by the Examining Board.